

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TELCO GROUP INC.,)	
)	
Plaintiff,)	8:05CV387
)	
vs.)	ORDER
)	
AMERITRADE, INC.,)	
ADVANCED CLEARING INC. and)	
AMERITRADE HOLDING CORP.,)	
)	
Defendants.)	

This matter is before the court on the defendants' Motion to Stay Action Pending Arbitration (Filing No. 89). The plaintiff does not oppose the stay, "provided the stay does not interfere with Plaintiff's rights to file an Amended Complaint, add new plaintiffs, and/or modify Plaintiff's claims and seek certification of a Class upon those new claims or upon the existing claims in light of new facts." **See** Filing No. 94. The defendant filed a reply brief. **See** Filing No. 95.

If a dispute falls within a valid and enforceable arbitration agreement, the Federal Arbitration Act (FAA) instructs that the court in which the dispute is pending, "shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement." 9 U.S.C. § 3. The FAA is clear and the plaintiff does not dispute its applicability. Accordingly, a stay will be granted. Under the circumstances, the court will not, at this time, make a determination about whether the plaintiff should have another opportunity to amend the complaint, add parties or claims, or seek certification of a class. Upon consideration,

IT IS ORDERED:

1. The defendants' Motion to Stay Action Pending Arbitration (Filing No. 89) is granted.

2. This action is stayed pending the parties' exhaustion of arbitration proceedings in accordance with the arbitration clause in the agreement between the parties.

3. The parties shall file a joint detailed status report **on or before June 29, 2007, and every 90 days thereafter**, such report to include counsel's position(s) concerning whether the stay should continue in effect or whether the stay should be lifted.

DATED this 12th day of March, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge